

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>WAYNE SCOVIL, ET AL.,</b>	)	
	)	
<b>PLAINTIFFS</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:10-cv-515-DBH</b>
	)	
<b>FEDEX GROUND PACKAGE</b>	)	
<b>SYSTEM, INC. <i>d/b/a FedEx</i></b>	)	
<b><i>Home Delivery,</i></b>	)	
	)	
<b>DEFENDANT</b>	)	

**PROCEDURAL ORDER**

Now that the parties have filed a Joint Notice of Proposed Class Action Settlement, I **DIRECT** the Clerk's Office to schedule a preliminary hearing for early September as the Court's calendar permits. I draw the lawyers' attention to the following modifications to what they have requested.

1. This hearing is not for "preliminary approval" of the impending proposed settlement. It is simply a preliminary review. Counsel should consult PRINCIPLES OF AGGREGATE LITIGATION § 3.03 (2010) and its comments for the significance of the distinction. See also In re New Motor Vehicles Canadian Export Antitrust Litig., 236 F.R.D. 53, 55-56, n.2 (D. Me. 2006); Nilsen v. York Cnty., 228 F.R.D. 60, 62 (D. Me. 2005) ("Because a judicial declaration of 'preliminary fairness' unjustifiably suggests a built-in headwind against objections to the settlement, I am determining simply whether the proposed settlement agreement deserves consideration by the class and whether the

notice is appropriate. I reserve all determinations of the proposed settlement's fairness, reasonableness, and adequacy until the [final fairness] hearing.”);

2. Submission of materials shall be at least seven (7) calendar days before the hearing;

3. The submitted materials shall address the factors in Fed. R. Civ. P. 23(e)(1)-(4); and

4. Counsel shall address whether there are any differences to consider for the collective action part of the case.

**SO ORDERED.**

**DATED THIS 20<sup>TH</sup> DAY OF AUGUST, 2013**

/s/D. BROCK HORNBY

**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**